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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 IN RE: PHENYLPROPANOLAMINE (PPA)  
10 PRODUCTS LIABILITY LITIGATION

MDL NO. 1407

11 This document relates to:  
12 Bernucho, et al. v. American Home  
13 Products Corp., et al.,  
14 No. 02-796

ORDER DISMISSING  
PLAINTIFF'S CLAIMS FOR  
FAILURE TO PROSECUTE

15 This matter comes before the court on the Order to Show Cause  
16 issued in this matter on May 16, 2005. That order required the  
17 plaintiffs, Rodney Bernucho and Lanell Bernucho, to show cause why  
18 this matter should not be dismissed for failure to prosecute. The  
19 court received no responsive briefing to the Order to Show Cause.

20 Since the court granted plaintiffs' attorneys' motion to  
21 withdraw on December 20, 2002, plaintiffs have represented  
22 themselves *pro se* in this action. The court mailed a copy of the May  
23 16, 2005 Order to Show Cause to plaintiffs at the address listed on  
24 the docket sheet. The mail was returned marked undeliverable.  
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1 Although it is possible that plaintiffs never received the Order to  
2 Show Cause, the court cannot keep this case open indefinitely, in  
3 case they decide to pursue it at a later date. Such a course of  
4 action places an undeserved burden on defendants, and diminishes the  
5 efficiency of the court system. Plaintiffs have an obligation to  
6 attend to their case, which includes keeping the court informed as  
7 to changes in their address. See, e.g., King v. Atiyeh, 814 F. 2d  
8 565, 567 (9<sup>th</sup> Cir. 1987) ("Pro se litigants must follow the same  
9 rules of procedure that govern other litigants.").

10 The court, being fully advised, hereby ORDERS that all of  
11 plaintiffs' claims are DISMISSED with prejudice.

12 DATED at Seattle, Washington, this 6<sup>th</sup> day of July, 2005.

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15 Barbara Jacobs Rothstein  
16 U.S. District Court Judge  
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